

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-213 (RHK/AJB)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	ORDER
)	
v.)	
)	
MICHAEL DAVID ROBERTS,)	
)	
Defendant.)	

This matter is before the Court upon the motion of the defendant to: (1) continue the trial date in this matter and (2) exclude the period of time from the date of his continuance motion through the new trial date from the Speedy Trial Act computations in this case. The Court hereby grants both motions for the following reasons:

Defendant's attorney has represented to the Court that he needs additional time to adequately prepare for trial in this matter. In addition, the defendant appeared at a hearing on this matter and stated that he understands that he has a right to be tried within 70 days of his first appearance in this case, subject to certain excludable time periods; that based on the instant motion to continue, trial in this matter will be rescheduled to from March 11, 2009 and will now commence May 5, 2009; that defendant's counsel has explained to him his right to a speedy trial and the reasons for the continuance request; that defendant

knowingly, voluntarily and intelligently waives his right to a speedy trial; and that defendant knowingly, voluntarily and intelligently agrees and consents to the rescheduling of trial in this matter based on his counsel's request for additional time.

Pursuant to 18 U.S.C. § 3161(h)(8)(A), the Court finds that the ends of justice served by the granting of the continuance in this matter outweigh the best interest of the public and the defendant in a speedy trial. This finding is based on the facts set forth in the defendant's affidavit and defense counsel's representation that he needs additional time to properly prepare for trial.

Accordingly, IT IS HEREBY ORDERED that (1) trial in this matter will commence on May 5, 2009; and (2) the period from the date of defendant's continuance motion through May 5, 2009, shall be excluded from the Speedy Trial Act computations in this case.

Dated: March 3, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge